
Notification

Srinagar, the 11th Nov, 2009.

SRO 354 In exercise of powers conferred by Section 6 of the Jammu & Kashmir Forest (Conservation) Act, 1997, the Government hereby makes the following rules, namely,

1) Short title, extent and commencement:-

- (i) These rules shall be called the Jammu & Kashmir (Compensatory Afforestation Fund Management & Planning Authority) Rules 2009.
- (ii) They shall extend to the whole State of Jammu & Kashmir.
- (iii) They shall come into force from the date of issue of this Notification.

2) Definitions: In these rules unless the context otherwise requires:-

- (a) "Act" means the Jammu and Kashmir Forest (Conservation) Act, 1997;
- (b) "APD" means Annual Plan of operation to be prepared by the Forest Department for implementing CAMPA Projects.
- (c) "CAMPA" means Jammu & Kashmir State Compensatory Afforestation Fund Management and Planning Authority;
- (d) "Chief Wildlife Warden" means an officer who is head of Wildlife Protection Department.
- (e) "Executive Committee" means a committee constituted under these rule 1) of these rules and headed by the Principal Chief Conservator of Forests, J&K.
- (f) "Governing Body" means a body constituted under rule 9 of these rules and headed by the Chief Minister of the State.
- (g) "Nodal Officer" means an officer of the level of Chief Conservator of Forests or Conservator of Forests posted in the office of the Principal Chief Conservator of Forests and looking after matters relating to the Forest (Conservation) Act, 1997.
- (h) "NPV" means Net Present Value to be recovered from user agency as per directions of the "Hon'ble Supreme Court of India"
- (i) "P.C.C.F." means the Principal Chief Conservator of Forests, Head of Forest Department (Territorial).

- (j) "Steering Committee" means a committee constituted under these rules and headed by the Chief Secretary of the State.

3) Aims and Objectives of CAMPA:

CAMPA shall seek to promote:

- (a) conservation, protection, regeneration and management of existing natural forests;
- (b) conservation, protection and management of wildlife and its habitat within and outside protected areas including the consolidation of the protected areas;
- (c) compensatory forestation;
- (d) environment services, which include:-
 - (i) provision of goods such as wood, non-timber forest products, fuel, fodder and water, and provision of services such as grazing, tourism, wildlife protection and life support;
 - (ii) regulating services such as climate regulation, disease control, flood moderation, detoxification, carbon sequestration and health of soils, air and water regimes;
 - (iii) non-material benefits obtained from ecosystems, spiritual, recreational, aesthetic, inspirational, educational and symbolic; and
 - (iv) supporting such other services necessary for the production of ecosystem services, biodiversity, nutrient cycling and primary production.
- (e) Research, training and capacity building.

4) Functions of CAMPA:

- (a) The CAMPA shall receive money collected from user agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, Net Present Value (NPV), and, all other amounts recovered from such agencies under the Jammu and Kashmir Forest (Conservation) Act, 1997 and orders / directions of the Supreme Court of India, and presently lying with the office of the P.C.C.F.

(b) The CAMPA shall administer the amount and utilize the monies collected for undertaking compensatory afforestation, assisted natural regeneration, conservation and protection of forests, infrastructure development, wildlife conservation, protection and other related activities, and for matters connected therewith or incidental thereto. The CAMPA shall also serve as a common repository of funds accruing on account of compensatory afforestation and NPV.

(c) The CAMPA shall provide an integrated framework for utilizing funding from multiple sources and carrying out activities relating to protection and management of forests and wildlife. Its prime task shall be to regenerate natural forests and strengthen the institutions engaged in this work in the State Forest Department including training of forest officers at various levels with an emphasis on training of the staff at cutting edge level. The amount received by CAMPA will also be utilized for providing equipments and machinery to the field staff as well as for making appropriate arrangement for their conveyance during inspections and protection duty.

(d) The CAMPA may decide to utilize a minor part of its funds for engagement of personnel related to CAMPA and for monitoring & evaluation. This should be done cautiously to avoid recurring revenue expenditure.

The functions of CAMPA shall also include, inter alia:-

- (i) funding, overseeing and promoting compensatory afforestation done in lieu of diversion of forest land for non-forestry use under the J&K Forest (Conservation) Act, 1997.
- (ii) overseeing forest and wildlife conservation and protection works within forest areas undertaken and financed under the programme.
- (iii) maintaining a separate account in respect of the funds received for conservation and protection of Protected Areas.

- (iv) creating transparency for the programme and mobilizing citizen support; and
- (v) earmarking up to two percent of the funds for monitoring and evaluation.

5) Funds of the State CAMPA.

The CAMPA funds shall be kept in an account in the office of the P.C.C.F.

(1) There shall be credited into the account of CAMPA-

- (i) Amount transferred to it by the Central ad-hoc CAMPA, if any.
- (ii) receipt of all money from user agencies towards compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation, Net Present Value (NPV), Catchment Area Treatment Plan or any money for compliance of conditions stipulated by the State Government while according approval under the provisions of the J&K Forest (Conservation) Act, 1997.
- (iii) the unspent funds realized by the Forest Department from user agencies and kept in the Account of the Chief Accounts Officer in the office of the PCCF.
- (iv) Net Present Value of the forest land diverted for non-forestry purposes, collected under the Forest (Conservation) Act, 1997 and the rules and the guidelines made thereunder and in pursuance of the judgment of the Supreme Court dated the 29th October 2002 from user agencies; and

(2) The State Government may also credit to the CAMPA-

- i. grants or aid received if any;
- ii. any loan taken by the CAMPA or any borrowings made by it; and
- iii. any other sums received by the Authority by way of benefaction, gift or donations.

(3) The money received in the CAMPA shall be kept in interest-bearing account(s) in bank(s) and periodically withdrawn for the works as per the Annual Plan of Operations (APOs) approved by the Steering Committee.

4) **Utilization of the money:** The money available with the CAMPA shall be utilized for meeting-

- a. expenditure towards the development, maintenance and protection of forests and wildlife management as per the approved APO;

- b) the non-recurring as well as recurring expenditure for the management of the State CAMPA, including the remunerations payable to its employees appointed on contract by utilizing a minor part of the income from interest received on funds invested by State CAMPA, but excluding income from funds recovered from the user agencies in cases where forest land diverted falls within the protected areas, that is, areas notified under the J&K Wildlife (Protection) Act, 1978 for undertaking activities related to protection of biodiversity and wildlife;
- c) the expenditure incurred on monitoring and evaluation subject to overall ceiling of 2% of the amount to be spent every year; and
- d) disbursement on such other projects related to forest conservation.

7) Disbursement of funds:

- (1) The money received for Compensatory Afforestation, additional compensatory afforestation, penal compensatory afforestation, Catchment Area Treatment Plan and for any other site specific scheme may be used as per site-specific schemes prepared by the Forest Department or Wildlife Protection Department.
- (2) After receipt of the money, CAMPA shall accomplish the afforestation for which money is deposited in the Compensatory Afforestation Fund within a period of one year or two growing seasons after project completion, as may be appropriate.
- (3) The money received on account of Net Present Value (NPV) shall be used for natural assisted regeneration, forest management, protection, infrastructure development, wildlife protection and management, supply of wood and other forest produce saving devices and other allied activities.
- (4) Money realized from the user agencies in pursuance of the Hon'ble Supreme Court's orders or decision taken by the National Board for Wildlife involving cases of diversion of forest land in protected areas shall form a distinct corpus and shall be used exclusively for undertaking protection and conservation activities in protected areas of the State.
- (5) The CAMPA shall release money to the field officers in predetermined instalments as per the Annual Plan of Operation (APO) finalized.

8) Composition of CAMPA.

The CAMPA shall comprise a Governing Body, a Steering Committee and an Executive Committee.

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- 9) (1) The Governing body of the CAMPA shall consist of the following:-
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|---|---|------------------|
| a. Chief Minister | - | Chairperson |
| b. Minister of Forests | - | Member |
| c. Minister of Finance | - | Member |
| d. Minister of Planning | - | Member |
| e. Chief Secretary | - | Member |
| f. Principal Secretary (Finance) | - | Member |
| g. Principal Secretary (Planning) | - | Member |
| h. Principal Chief Conservator of Forests | - | Member |
| i. Chief Wildlife Warden | - | Member |
| j. Secretary (Forests) | - | Member Secretary |

(2) The Governing Body shall lay down the broad policy framework for the functioning of CAMPA and review its working from time to time.

10) ² The Steering Committee.

(1) The Steering Committee of CAMPA shall consist of the following:-

- | | | | |
|--------|--|---|------------------|
| (i) | Chief Secretary | - | Chairperson |
| (ii) | Principal Chief Conservator of Forests | - | Member |
| (iii) | Principal Secretary (Forests) | - | Member |
| (iv) | Principal Secretary (Finance) | - | Member |
| (v) | Principal Secretary (Planning) | - | Member |
| (vi) | Chief Wildlife Warden | - | Member |
| (vii) | Nodal Officer in the o/o PCCF | - | Member |
| (viii) | A representative of the Ministry of Environment & Forests, Govt. of India | - | Member |
| (ix) | Representatives of two eminent NGO's engaged in the field of forestry / environment to be nominated by the State Government for a period of 2 years at a time who shall be eligible for re-nomination. | - | Member |
| (x) | Chief Conservator of Forests (Planning & Projects) | - | Member Secretary |

(2) Functions of the Steering Committee.

The steering committee shall:

- (i) lay down and / or approve rules and procedures for the functioning of the body and its Executive Committee, subject to the overarching objectives and core principles of CAMPA;
- (ii) monitor the progress of the utilization of funds released by the CAMPA;
- (iii) approve the Annual Plan of Operation (APO) prepared by the Executive Committee;
- (iv) approve the annual reports and audited accounts of the CAMPA;
- (v) meet at least once in six months.

11)

The Executive Committee.

(1) The Executive Committee shall consist of the following:-

- i. Principal Chief Conservator of Forests - Chairperson
- ii. Chief Wildlife Warden - Member
- iii. Chief Conservator of Forests (Planning and Projects) - Member
- iv. Chief Conservator of Forests, Kashmir Region - Member
- v. Chief Conservator of Forests, Jammu Region - Member
- vi. Nodal Officer in the O/o PCCF - Member Secretary
- vii. Chief Accounts Officer/ Financial Advisor in the O/o Pr. Chief Conservator of Forests - Member
- viii. Representatives of Two eminent NGO's to be nominated by the State Government for a period of 2 years at a time who shall be eligible for re-nomination. - Member

(2) **Functions of the Executive Committee.**

The Executive Committee shall :-

- (i) take all steps for giving effect to the CAMPA and overarching objectives and core principles, in accordance with rules and procedures approved by the Steering Committee and the approved APO;
- (ii) prepare the APO of the State for various activities, submit it to the Steering Committee before end of December for forthcoming financial year; and obtain the Steering Committee's concurrence for release of funds, while giving break-up of the proposed activities and estimated costs;
- (iii) supervise the works being implemented in the State out of the funds released from the CAMPA.
- (iv) be responsible for proper auditing of both receipt and expenditure of funds;
- (v) develop the code for maintenance of the account at the implementing agency level;
- (vi) prepare Annual Report by end-June for each financial year.

12) **Accounting Procedure:-**

- (1) State CAMPA shall prepare its budget for the each financial year, showing the estimated receipts and expenditure of the State CAMPA.
- (2) CAMPA shall adopt financial regulations and procedures, in particular the procedure for approval and implementing the APO.
- (3) CAMPA shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such

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form as may be prescribed in consultation with the Accountant General concerned.

- (4) The accounts of the CAMPA shall be audited by the Accountant General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the CAMPA to the Accountant General.
- (5) The Accountant General and any other person appointed by him in connection with the audit of the accounts of the State CAMPA shall have the same rights and privileges and authority in connection with such audit as the Accountant General, generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the CAMPA.
- (6) The accounts of the State CAMPA as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon and annual report, shall be forwarded annually to the State Government by the State CAMPA.
- (7) The State Government shall have the power to conduct special audit or performance audit of the CAMPA.
- (8) The Annual Report shall provide, inter alia, for:-
 - a. the details of various works done and the amount spent;
 - b. the details of the amount received by the State CAMPA from various sources; and
 - c. the observations made in the audit report.
- 13) Monitoring and evaluation of the works:-
 1. An independent system for concurrent monitoring and evaluation of the works implemented utilizing the funds available shall be evolved and implemented to ensure effective and proper utilization of funds.

2 If satisfied that the funds released are not being utilizing properly the CAMPA Governing Body as well as the Steering Committee shall have the power to withhold of suspend the release of remaining funds or part thereof.

By order of the Government of Jammu and Kashmir.

Sd-
(Shartmanu)IAS
Commissioner Secretary to Government
Forest Department

No: FST/Land/52/2008-II

Dated: 11- 2009

Copy to:-

- 1 All Financial Commissioner J&K
- 2 All Principal Secretary J&K
- 3 All Commissioner Secretary J&K
- 4 Principal Chief Conservator of Forest J&K
- 5 All HOD Forest Department
- 6 Chief Conservator of Forest Kashmir/Jammu
- 7 All Deputy Commissioner
- 8 All Special Assistant to Hon'ble Ministers
- 9 General Manager Govt. Press Jammu / Srinagar
- 10 Pr.Pvt. Secretary to Chief Secretary
- 11 Pvt. Secretary to Commissioner Secretary Forest
- 12 Order file (s.c.w)

My Hand 11/11/09
Deputy Secretary to Government
Forest Department

[Signature]
11/11/09